

REMARKS

Applicants thank the Examiner for withdrawing the previous rejection that went up on appeal.

New claim 21 is supported by the combination of previous claims 10 and 18. New claims 22-24 are supported by the disclosure on page 8, lines 15-16, of the specification.

Claim 10 now includes the limitation of claim 11. Claim 11 was rejected as being obvious over Brady in view of Chen.

Chen is a 35 USC 102(e) reference as the filing date of the pending application is February 14, 2001. Thus, the rejection of claim 11 over Brady in view of Chen is a 35 USC 103(c) rejection. 35 USC 103(c) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Chen is a 35 USC 102(e) reference and “owned by the same person or subject to an obligation of assignment to the same person” as that listed on the pending application, i.e., Seagate Technology LLC, at the time of the claimed invention. Therefore, the rejection of claim 10 and claims depending from claim 10, should be withdrawn in light of the amendment of claim 10.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 146712001400.

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Respectfully submitted,

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